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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)

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Establishment of a Class A)

Television Service)

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MM Docket No. 00-10

MM Docket No. 99-292

RM 9260

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

COMMENTS OF TELEMUNDO GROUP, INC.

Telemundo Group, Inc. ("Telemundo"), by its attorneys, submits herewith its comments in response to the Commission's Notice of Proposed Rule Making¹ to implement the Community Broadcasters Protection Act of 1999² and to prescribe regulations establishing a Class A television service for qualifying low power television ("LPTV") stations. Telemundo and its licensee subsidiaries own and operate eight full power and sixteen low power television stations, each of which broadcasts quality Spanish-language programming to generally underserved members of Hispanic communities located throughout the United States. Telemundo urges the Commission to exercise the discretion Congress authorized and adopt straight-forward alternative Class A eligibility criteria for predominantly foreign language stations. This would ensure that LPTV stations that do not fully meet the Class A programming requirement yet still provide significant levels of foreign language programming would have the protection Congress intended.

¹ *Establishment of a Class A Television Service, Notice of Proposed Rule Making* in MM Docket Nos. 00-10, 99-292, FCC 00-16 (rel. Jan. 13, 2000) ("Notice").

² Community Broadcasters Protection Act of 1999, Section 5008 of Pub. L. No. 106-113, 113 Stat. 1501 (1999), Appendix I (*codified at* 47 U.S.C. § 336(f)) ("CBPA").

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Congress recognized that LPTV stations face an uncertain future because they could be displaced by full-service stations seeking to expand their own service areas as well as by the launch of new full-service analog and DTV stations.³ To provide a more stable competitive and economic environment for existing LPTV stations, Congress enacted the CBPA. This statute provides a measure of protection to certain LPTV stations by creating a new Class A television service. Under the CBPA, an LPTV station can qualify for Class A status if, during the ninety days preceding the date of enactment of the statute, the station (1) broadcast a minimum of eighteen hours per day; (2) broadcast an average of at least three hours per week of “locally produced” programming; and (3) complied with the Commission’s requirements for LPTV stations. In addition to these criteria, Congress authorized the FCC to adopt alternative eligibility criteria for Class A stations. In the *Notice*, the Commission solicited comment on what those alternative criteria should be.

Foreign language LPTV stations provide the type of valuable programming Congress intended to protect, and Congress explicitly authorized the Commission to protect it. The Commission itself has recognized the valuable public interest benefits provided by LPTV stations, noting that “many LPTV stations air ‘niche’ programming, often locally produced, to residents of specific ethnic, racial, and interest communities within the larger area, including programming in foreign languages.”⁴

The availability of diverse foreign language programming is vitally import to a growing segment of our nation’s population and provides a significant public interest benefit to the

³ See *Notice* at ¶ 5.

⁴ *Id.* at ¶ 3, citing *Review of the Commission’s Rules Governing the Low Power Television Service, First Report and Order* in MM Docket No. 93-114, 9 FCC Rcd 2555 (1994).

immediate local community. One of the fastest growing segments of the country's population is the U.S. Hispanic community, which has more than doubled in the past two decades to an estimated thirty-one million people.⁵ By the year 2010, Hispanics are projected to account for approximately fourteen percent of the country's total population, thus representing the country's largest minority group.⁶

Telemundo's stations respond to the needs and interests of this significant ethnic community by providing viewers with free, off-air news, information, and entertainment programming in Spanish. All of Telemundo's full-power and some of its low power stations broadcast local news and public affairs programming in Spanish. In addition, most of Telemundo's stations are affiliated with and broadcast much of the programming provided by the Telemundo Network, which operates the country's second largest Spanish language television broadcast network.

Telemundo's television stations, which are located in one-third of the top sixty Hispanic television markets (plus Puerto Rico), add to the diversity of broadcast voices and provide valuable "niche" programming to their local communities. Although the markets served by Telemundo together include over five million Hispanic television households, most contain only one or two broadcast stations (inclusive of Telemundo's station in the market) airing programming that is directly responsive to the needs and interests of Hispanic viewers. As such, Telemundo's stations typically provide the only competitive Spanish language voice for local communities.

⁵ U.S. Census Bureau, *Statistical Abstract of the United States: 1999*, at 14.

⁶ *Id.*

Telemundo believes that it provides “valuable programming to [its] communities” deserving of Class A protection under alternative eligibility criteria. In particular, Telemundo proposes that an LPTV station airing predominately foreign language programming would be eligible for Class A status if, during the ninety day period preceding the date of enactment of the statute or a subsequent filing window, the station (1) complied with the Commission’s requirements for LPTV stations, and (2) broadcast (a) a minimum of eighteen hours per day or (b) an average of at least three hours per week of “locally produced” programming.⁷

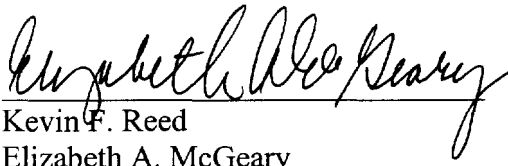
This approach would protect the valuable foreign language programming such LPTV stations offer to their communities. This alternative standard is simple to apply and would not add unnecessary levels of complexity to the Commission’s rule. Further, foreign language LPTV stations satisfying this criteria – and, more importantly, their viewers – would not be penalized for the reduced access to qualifying programming. Finally, generally underserved Hispanic viewers would be assured of continued access to news, information and entertainment programming in Spanish.

⁷ Telemundo also urges the Commission to open subsequent Class A filing eligibility filing windows to provide an opportunity for protection to be available to those broadcasters whose LPTV stations were not licensed and operating during the entire ninety day period that preceded enactment of the CBPA.

Accordingly, Telemundo urges the Commission to adopt simple, easy-to-apply alternative eligibility criteria that afford a measure of protection for the unique public benefits provided by LPTV stations that broadcast primarily foreign language programming to their local communities.

Respectfully submitted,

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